

Chapter 15. Interim Status Standards for Owners and Operators of Hazardous Waste Transfer, Treatment, Storage, and Disposal Facilities

Article 1. General

§66265.1. Purpose, Scope, and Applicability.

(a) The purpose of this chapter is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(b) Except as provided in section 66265.1080(b), the standards of this chapter, and of article 15.5 of chapter 14 of this division, apply to owners and operators of facilities that transfer, treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Health and Safety Code section 25200.5 and section 66270.10 of this division until either a permit is issued under Health and Safety Code section 25200 or until applicable closure and post-closure responsibilities specified in this chapter are fulfilled, and those owners and operators of facilities in existence on November 19, 1980 who have failed to provide timely notification as required by 42 U.S.C. section 6930(a) and/or failed to file Part A of the permit application as required by section 66270.10(e) and (g). These standards apply to all transfer, treatment, storage and disposal of hazardous waste at these facilities, except as specifically provided otherwise in this chapter or chapters 11, 12 or 13 of this division.

(c) Notwithstanding subsection (b), no facility shall operate under interim status if the owner or operator has failed to file Part A of the permit application as required by section 66270.10(e) and (g). A facility operating under interim status shall not:

- (1) manage hazardous wastes which are not specified in Part A of the permit application;
- (2) employ processes not described in Part A of the permit application; or
- (3) exceed the design capacities specified in Part A of the permit application.

(d) The requirements of this chapter do not apply to:

(1) a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Federal Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401, et. seq). Such person shall comply with the requirements of this chapter when transferring, treating or storing hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea, as provided in subsection (b) of this section;

(2) [reserved];

(3) the owner or operator of a POTW which transfers, treats, stores, or disposes of hazardous waste;

(4) [reserved];

(5) [reserved];

(6) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(7) a generator accumulating waste on-site in compliance with section 66262.34 of this division, except to the extent the requirements are included in section 66262.34 of this division;

(8) a farmer disposing of waste pesticides from the farmer's own use in compliance with section 66262.70 of this division;

(9) [reserved];

(10) [reserved];

(11)(A) except as provided in subsection (d)(11)(B) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;
2. an imminent and substantial threat of a discharge of a hazardous waste;
3. a discharge of a material which, when discharged, becomes a hazardous waste;

(B) an owner or operator of a facility otherwise regulated by this chapter shall comply with all applicable requirements of articles 3 and 4 of this chapter;

(C) any person who is covered by subsection (d)(11)(A) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter and chapter 21 of this division for those activities.

(D) In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition. For the purposes of this subsection, the term "military munitions" is as defined in 40 Code of Federal Regulations section 260.10. The requirements of this subsection apply only to military munitions that are regulated under the federal act, as defined in Health and Safety Code section 25115.1;

(12) a transporter storing manifested shipments of hazardous waste in containers at a transfer facility, or a transfer facility storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(13) the addition of absorbent material to waste in a container (as defined in section 66260.10 of this division) or the addition of waste to the absorbent material in a container provided that these actions occur at the time waste is first placed in the containers; and sections 66265.17(b), 66265.171, and 66265.172 are complied with;

(14) persons managing hazardous waste in a hazardous waste management unit not subject to 40 Code of Federal Regulations Part 265 (incorporated by reference in section 66260.11 of this division) pursuant to an

exemption in 40 Code of Federal Regulations section 265.1(c), if the waste managed in that unit is identified as a hazardous waste solely because it exhibits the characteristic of toxicity set forth in section 66261.24(a)(1) of this division.

(15) Persons who manage universal waste. These persons are subject to regulation under chapter 23 when managing universal wastes listed in section 66261.9 of this division.

(e) The owner or operator of a facility under subsections (d)(1) through (3) of this section shall be subject to the requirements of chapter 14 of this division to the extent they are included in a permit granted to such a person under 40 Code of Federal Regulations Part 122 or under Subchapter H (commencing with Part 220) of chapter I of 40 Code of Federal Regulations.

(f) The following hazardous wastes shall not be managed at facilities subject to regulation under this chapter:

(1) EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, or F027 unless:

(A) the wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

(B) the waste is stored in tanks or containers;

(C) the waste is stored or treated in waste piles that meet the requirements of section 66264.250(c) as well as all other applicable requirements of article 12 of this chapter;

(D) the waste is burned in incinerators that are certified pursuant to the standards and procedures in section 66265.352; or

(E) the waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in section 66265.383.

(g) The requirements of this chapter apply to owners or operators of all facilities which transfer, treat, store or dispose of hazardous waste referred to in chapter 18 of this division, and the chapter 18 standards are considered material conditions or requirements of the chapter 15 interim status standards.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code.

Reference: Sections 25115.1, 25118, 25141, 25150, 25159, 25159.5, 25200.5, 25219, 25219.1 and 25219.2, Health and Safety Code; and 40 Code of Federal Regulations Sections 260.10 and 265.1.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment of subsection (b) and Note filed 12-23-93 as an emergency; operative 12-23-93 (Register 93, No. 52). A Certificate of Compliance must be transmitted to OAL by 5-9-94 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (b) and Note refiled 4-25-94 as an emergency; operative 4-25-94 (Register 94, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-23-94 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsection (b) and Note refiled 8-22-94 as an emergency; operative 8-22-94 (Register 94, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-20-94 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsection (b) refiled 12-22-94 as an emergency; operative 12-22-94 (Register 94, No. 51). A Certificate of Compliance must be transmitted to OAL 4-21-95 or emergency language will be repealed by operation of law on the following day.
6. Amendment of subsection (b) refiled 6-29-95 as an emergency; operative 6-29-95 (Register 95, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-27-95 or emergency language will be repealed by operation of law on the following day.
7. Amendment of subsection (b) and Note refiled 10-26-95 as an emergency; operative 10-26-95 (Register 95, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-23-96 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 10-26-95 order transmitted to OAL 11-30-95 and filed 1-16-96 (Register 96, No. 3).
9. Amendment of subsection (g) and Note filed 1-31-96; operative 1-31-96 (Register 96, No. 5).
10. Change without regulatory effect amending subsections (b) and (d)(12) filed 4-3-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 14).
11. Change without regulatory effect adding new subsection (d)(6) filed 6-12-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 24).
12. Amendment of subsection (b) and amendment of Note filed 11-19-98 as an emergency; operative 11-19-98 (Register 98, No. 47). A Certificate of

Compliance must be transmitted to OAL by 3-19-99 or emergency language will be repealed by operation of law on the following day.

13. Reinstatement of subsection (b) and Note as they existed prior to 11-19-98 emergency amendment by operation of Government Code section 11346.1(f) (Register 99, No. 12).

14. Change without regulatory effect amending subsection (b) and Note filed 6-11-99 pursuant to Health and Safety Code section 25159.1 (Register 99, No. 24).

15. New subsections (d)(15)-(d)(15)(C) and amendment of Note filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.

16. New subsections (d)(15)-(d)(15)(C) and amendment of Note refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.

17. New subsections (d)(15)-(d)(15)(C) and amendment of Note refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.

18. New subsections (d)(15)-(d)(15)(C) and amendment of Note refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.

19. New subsections (d)(15)-(d)(15)(C) and amendment of Note refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.

20. New subsections (d)(15)-(d)(15)(C) and amendment of Note refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

21. Certificate of Compliance as to 11-2-2001 order, including further amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

22. Amendment of subsection (d)(15) and repealer of subsections (d)(15)(A)-(C) filed 2-3-2003; operative 2-3-2003 (Register 2003, No. 6).

23. Amendment of Note filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).

24. Change without regulatory effect adding subsection (d)(11)(D), amending subsections (d)(14) and (e) and amending Note filed 4-13-2007 pursuant to Health and Safety Code section 25159.1 (Register 2007, No. 15).

25. New subsection (d), subsection relettering and amendment of newly designated subsection (g)(15) filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66265.2. Compliance Schedule for Changes During Interim Status.

The owner or operator of a hazardous waste facility who has operated pursuant to a grant of interim status on or before the effective date of this division and is required to comply with the provisions of this chapter, shall submit a request for change(s) in the facility pursuant to chapter 20, article 7 of this division to the Department within 180 days of the effective date of this division. The request shall describe the exact change(s) to be made to the facility to comply with the provisions of this chapter. The owner or operator of such a facility shall implement the approved change(s) according to a schedule of compliance established by the Department.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25200.5, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.4. Enforcement Actions.

In addition to bringing an enforcement action pursuant to chapter 6.5 of division 20 commencing with section 25100 of the Health and Safety Code, the Department may take or secure actions pursuant to Health and Safety Code section 25358.3.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159, 25159.5, 25180.5 through 25196.6 and 25358.3, Health and Safety Code; 40 CFR Section 265.4.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).